UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/662,362	MATSUMOTO, KENTARO
	Examiner	Art Unit	
	Steven B. Theriault	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 July 2007</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-32</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-32</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the following communications: Amendment filed 07/02/2007.

This action is made Final.

2.   Claims 1 -32 are pending in the case. Claims 1, 11-14, 28-33 are the independent claims.

Specification

Claim 12 is objected to because of the following informalities: Independent Claim 12 is objected to for containing substantially similar subject matter as Independent claim 13. While the applicant appears to have amended to overcome the 101 issue, in the process claims 12 and 13 have been amended to both claim a program and medium for executing the same method steps and therefore are objected to for claiming the same subject matter. The applicant is advised the cancel the duplicate claim or amend to contain limitations not included in claim 13. Appropriate correction is required.

Claim Rejections - 35 USC § 101

3.   In light of Applicant's amendment to claims 12, 31 and 32, the Applicant has addressed the examiners rejection and therefore the previous rejection is now considered moot

Claim Rejections - 35 USC § 102

4.   **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   **Claims 1-13, 28, 30 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by**

Hasebe et al (hereinafter Hasebe) U.S. Patent No. 5,363,211 issued Nov. 8, 1994 and filed

July 20, 1993.

In regard to **Independent claim 1,** Hasebe teaches an image editing method comprising the steps of:

- Instructing to move an arbitrary point of an image displayed in an image display area among

  image data (See column 1, lines 63-67). Hasebe teaches the process of selecting an arbitrary

  region of a document (image) (See column 2, lines 5-10) in an image-processing device where

  the document is a part of the image data.

- Calculating an image movement amount and a magnification ratio in response to the instruction

  to move the arbitrary point (See column 2, lines 10-21). Hasebe teaches the detection,

  calculation, and instruction of determining the magnification ratio and amount to show on the

  display in response to the region designated by the user (See Figure 10).

- Displaying a predetermined area of the image data in the image display area on the basis of

  image movement amount and the magnification ratio, which are calculated in the calculating step

  (See figure 10 and 11) Hasebe teaches the displayed of the image on the basis of movement.

  The user has designated the bag to be magnified by designating the area around the bag with

  color closed loops and then the system reads the regions and magnifies the image by the amount

  set by the user designated loops.

With respect to **dependent claim 2,** Hasebe teaches an image editing method wherein the image

display area is an image print area indicating an image area to be printed (column 4, lines 50-56).

Hasebe teaches the color image is formed on a copier that can be printed.

With respect to **dependent claim 3,** Hasebe teaches an image editing method further comprising: a

step of instructing to print the image displayed in the image display area (column 4, lines 30-32).

With respect to **dependent claim 4,** Hasebe teaches an image editing method wherein when it is instructed to move the arbitrary point so that an end of the image data in a direction opposite to a moving direction is exceeded, the image is magnified based on an exceeding amount and the magnified image is displayed (See figures 10 and 11 and column 7, lines 50-67 and column 8,lines 1-27). The user at arbitrary points around an image sets the closed loops. The image is magnified by the amount that exceeds the image data and then it is displayed.

With respect to **dependent claim 5,** Hasebe teaches an image editing method wherein the predetermined area of the image data is displayed in the displaying step so that the arbitrary point, whose movement is instructed in the instructing step, is moved to a post-movement point regardless of the magnification ratio (See figures 10 and 11 and column 7, lines 50-67 and column 8,lines 1-27). Hasebe shows the process of setting the loops and displaying the magnification. The magnification process is a variable rate process and the movement is made regardless of the ratio.

With respect to **dependent claim 6,** Hasebe teaches an image editing method wherein the calculating step calculates the image movement amount and the magnification ratio so that the arbitrary point, whose movement is instructed in the instructing step, is moved to the post-movement point without generating any margin in the image display area (See figure 15 and 16) Hasebe teaches the calculating of the image region and the magnification amount so that the image can be magnified for the user and where the maximum range limits can include the whole screen that would not allow for margins.

With respect to **dependent claim 7,** Hasebe teaches an image editing method wherein while it is instructed in the instructing step to move the arbitrary point, the displaying step displays the predetermined area of the image data in the image display area based on the image movement amount and the magnification ratio, which are calculated in the calculating step (See column 8,lines

27-65).

With respect to **dependent claim 8,** Hasebe teaches an image editing method wherein while it is instructed in the instructing step to move the arbitrary point, the displaying step displays the predetermined area of the image data in the image display area based on the image movement amount, which is calculated in the calculation step, without changing image size, and when it is ended that the instructing step instructs the movement of the arbitrary point, the displaying step displays the predetermined area of the image data in the image display area based on the image movement amount and the magnification ratio, which are calculated in the calculating step (See column 8,lines 27-65 and figures 10 and 11). Hasebe shows the closed loops that are manipulated by the user and displayed at arbitrary points on the screen. The loops are displayed prior to magnification and then system performs the calculations on the loop area without changing the image size. The image is then displayed based on the variable magnification ratio that is determined by the system and the areas set by the user.

With respect to **dependent claim 9,** Hasebe teaches an image editing method wherein the calculating step calculates the magnification ratio based on a post-movement point designated during the instruction in the instructing step (See column 8, lines 27-67). Hasebe teaches that a post-movement step is the finished result of the loops that are set by the user. The magnification ratio is variable and based on the size of the loop area.

With respect to **dependent claim 10,** Hasebe teaches an image editing method wherein the calculating step calculates the magnification ratio based on a post-movement point designated at a start of the instruction in the instructing step (See column 8, lines 27-67).

In regard to **Independent claim 11,** Hasebe teaches the image editing apparatus comprising:

- Means for instructing to move an arbitrary point of an image displayed in an image display area among image data (See column 1, lines 63-67). Hasebe teaches the process of selecting an arbitrary region of a document (image) (See column 2, lines 5-10) in an image-processing device where the document is a part of the image data.

- Means for calculating an image movement amount and a magnification ratio in response to the instruction to move the arbitrary point (See column 2, lines 10-21). Hasebe teaches the detection, calculation, and instruction of determining the magnification ratio and amount to show on the display in response to the region designated by the user (See Figure 10).

- Means for displaying a predetermined area of the image data in the image display area on the basis of the image movement amount and the magnification ratio, which is calculated by the calculating means (See figure 10 and 11). Hasebe teaches the displayed of the image on the basis of movement. The user has designated the bag to be magnified by designating the area around the bag with color closed loops and then the system reads the regions and magnifies the image by the amount set by the user designated loops.

In regard to **Independent claim 12,** Hasebe teaches the program for causing a computer to execute an image editing method, comprising:

- Instructing to move an arbitrary point of an image displayed in an image display area among image data (See column 1, lines 63-67). Hasebe teaches the process of selecting an arbitrary region of a document (image) (See column 2, lines 5-10) in an image-processing device where the document is a part of the image data.

- Calculating an image movement amount and a magnification ratio in response to the instruction to move the arbitrary point (See column 2, lines 10-21). Hasebe teaches the detection,

calculation, and instruction of determining the magnification ratio and amount to show on the display in response to the region designated by the user (See Figure 10).

- Displaying a predetermined area of the image data in the image display area on the basis of the image movement amount and the magnification ratio, which are calculated in the calculating step (See figure 10 and 11) Hasebe teaches the displayed of the image on the basis of movement. The user has designated the bag to be magnified by designating the area around the bag with color closed loops and then the system reads the regions and magnifies the image by the amount set by the user designated loops.

In regard to **Independent claim 13,** Hasebe teaches the computer-readable recording medium on which a program for causing a computer to execute an image editing method is recorded (Se Figure 4, RAM), the method comprising:

- Instructing to move an arbitrary point of an image displayed in an image display area among image data (See column 1, lines 63-67). Hasebe teaches the process of selecting an arbitrary region of a document (image) (See column 2, lines 5-10) in an image-processing device where the document is a part of the image data.

- Calculating an image movement amount and a magnification ratio in response to the instruction to move the arbitrary point (See column 2, lines 10-21). Hasebe teaches the detection, calculation, and instruction of determining the magnification ratio and amount to show on the display in response to the region designated by the user (See Figure 10).

- Displaying a predetermined area of the image data in the image display area on the basis of the image movement amount and the magnification ratio, which are calculated in the calculating step (See figure 10 and 11) Hasebe teaches the displayed of the image on the basis of movement. The user has designated the bag to be magnified by designating the area around the bag with color closed loops and then the system reads the regions and magnifies the image by the amount

set by the user designated loops.

In regard to **Independent claim 28,** Hasebe teaches the image editing method comprising the steps of: performing a trimming process on image data in a trimming mode; and displaying, on an image to be subjected to the trimming process, a mark suggesting appropriate framing of a main object in the image, when the trimming mode is set (See column 10, lines 1-60). Hasebe teaches a marker region and a trimming process combined with the magnification process. The main image is framed using the closed loops.

In regard to **Independent claim 30,** Hasebe teaches the image editing apparatus comprising: means for performing a trimming process on image data in a trimming mode; and means for displaying, on an image to be subjected to the trimming process, a mark suggesting suited framing of a main object in the image, when the trimming mode is set (See column 10, lines 1-60). Hasebe teaches a marker region and a trimming process combined with the magnification process. The main image is framed using the closed loops.

In regard to **Independent claim 32,** Hasebe teaches the program for causing a computer to execute an image editing method, comprising: a trimming module for performing a trimming process on image data in a trimming mode; and a processing module for displaying, on an image to be subjected to the trimming process, a mark suggesting suited framing of a main object in the image, when the trimming mode is set (See column 10, lines 1-60). Hasebe teaches a marker region and a trimming process combined with the magnification process. The main image is framed using the closed loops.

Claim Rejections - 35 USC § 103

6.   **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness**

rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as
set forth in section 102 of this title, if the differences between the subject matter sought to be
patented and the prior art are such that the subject matter as a whole would have been obvious
at the time the invention was made to a person having ordinary skill in the art to which said
subject matter pertains. Patentability shall not be negatived by the manner in which the invention
was made.

7.   **Claims 14-16, 21-27, 29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable**

over Hasebe as applied to claims 1-13, 28, 30 and 32 above, and further in view of

Nagasato et al. (hereinafter Nagasato) U.S. Patent No. 5,459, 586 issued Oct. 17, 1995 and

issued Oct. 14, 1992, in further view of Imaizumi et al (hereinafter Imaizumi) U.S. 6236389

issued May 22, 2001.

In regard to **Independent claim 14,** as indicated in the above discussion Hasebe teaches every

element of claim 1.

        Hasebe teaches the image editing method comprising the steps of: performing a trimming

process on image data in a trimming mode (See column 10, lines 1-60).

        Hasebe does not expressly teach the displaying of a grid on an image to be subjected to

the trimming process However, in the same problem solving area, Nagasato teaches the use of a

marker area (grid) that is placed over the image area to perform a trimming process (See column

4, lines 35-50). Nagasato and Hasebe are analogous art because they both teach a process of

using variable magnification ratios in the process of trimming an image or magnifying an image.

        Hasbe in view of Nagasato does not suggest or teach were the user input of a dragging

of the image by a pointing device is executed during the trimming process. Imaizumi teaches a

process of trimming an image through the user of user input with a cursor. Imaizumi teaches the

user places the image editor in a trimming mode and then performs the trimming process by placing a trimming frame over the image (See Figure 3 and column 5, lines 25-67 and column 6, lines 1-67 and figure 6). Imaizumi, Hasbe, and Nagasato all teach a process of performing the image editing functions prior to printing an image on a printing device. Imaizumi, Hasbe, and Nagasato also teach varying processes of adjusting the image to user preferences through the known graphical trimming and masking processes.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Hasebe and Nagasato in front of them to modify the system of Hasebe to include the grid that is applied to the image to control the trimming process and to give the user the ability to move the grid with a cursor as taught by Imaizumi. The motivation to combine Hasebe, Nagasato and Imaizumi comes from the expressed use mentioned in Nagasato of using closed loops to mark an area with color that is then converted to an image on the screen (See column 14, lines 50-67) and the teachings in Imaizumi that it is desirable to provide in the same interface an image displaying as well as an editing interface to eliminate the operations the user has to perform in other areas of the interface and to simplify the input for the user to perform the trimming function (See column 2, lines 24-46).

With respect to **dependent claim 15,** as indicated in the above discussion, Hasebe in view of Nagasato teaches every element of claim 14.

Hasebe teaches a trimming process in accordance with a trimming operation (See column 10, lines 1-60).

Hasebe does not expressly teach that while it is detected that the trimming operation is performed, the grid-displaying step displays the grid on the image. However, this limitation would have been obvious, in view of Nagasato, because Nagasato teaches the placement of a mask over the image area and the grid is displayed (See column 9, lines 20-40). Presenting area positioning is done by the user and therefore the grid is visible.

With respect to **dependent claim 16,** as indicated in the above discussion, Hasebe in view of Nagasato teaches every element of claim 14.

Hasebe does not expressly teach wherein the grid-displaying step displays the grid, which suggests appropriate framing of a main object in the image. However, this limitation would have been obvious, in view of Nagasato, because Nagasato teaches the placement of a mask over the image area that frames the image or surrounds it (See figure 6a).

With respect to **dependent claim 21,** as indicated in the above discussion, Hasebe in view of Nagasato teaches every element of claim 14.

Hasebe does not expressly teach an image editing method wherein the grid-displaying step is arranged to switch between displaying and non-displaying of the grid. However, this limitation would have been obvious, in view of Nagasato, because Nagasato teaches the use of interface controls were the user can control the display of messages and define the user preferences to see or not to see the grid (see column 8, lines 25-35).

With respect to **dependent claim 22,** as indicated in the above discussion, Hasebe in view of Nagasato teaches every element of claim 14.

Hasebe does not expressly teach an image editing method wherein the trimming step performs the trimming process by changing at least one of a size and a position of the image. However, this limitation would have been obvious, in view of Nagasato, because Nagasato teaches the use of interface controls were the user can control the position and size of the image on the display (see column 10, lines 1-67).

With respect to **dependent claims 23-27,** as indicated in the above discussion, Hasebe

in view of Nagasato teaches every element of claim 14.

Hasebe teaches an image editing process that includes trimming (see Hasebe column

10, lines 40-50). That would also include changing the size of the trimming frame that changes

the size and position of the image (See figure 10 and 11). Hasebe teaches placing loops around

the image to perform the process of trimming when the image is changed or moved and resizes,

the image based on a magnification ratio (see Hasebe column 6, lines 45-50 and column 10, lines

1-60). Hasebe also teaches the process of moving in an arbitrary region (see column 1, lines 60-

67). Hasebe also teaches the image is formed on a copier that can be copied or printed. Hasebe

teaches the process of performing a calculation for image movement and magnification ratio (See

column 2, lines 35-67) and then trimming the based on the image movement and magnification

ratio (See column 10, lines 1-60). The rejection of claim 1 is herein incorporated by reference as

the limitations of calculating the amount of the movement of the arbitrary point and magnification

of the image are discussed above.

Hasebe does not expressly disclose *the grid displaying step displays the grid in the*

trimming frame changed in at least one of the size and the position and displaying fixedly

a trimming image area and the grid in the trimming image area, and the trimming step is

arranged to change an image in the trimming image area in at least one of a size and a

position in accordance with a trimming instruction and display the image changed in at

least one of the size and the position and displaying a grid that is closest to a point

instructed in the instructing step, out of a plurality of grid candidates, in a form that is

different from that of other grids.

However, these limitations would have been obvious to one of ordinary skill in the art at the time

of the invention, in view of Nagasato, because Nagasato teaches a grid that is placed over the

image where the trimming frame changes the size of the image (See Figure 5, S7). Nagasato

also teaches the displaying of the image in the location that the user has placed the grid over the

area to be trimmed (See Figure 6E the lightning bolt). Nagasato teaches the grid used in the lightning bolt example is a different size and one of many variable sizes can be employed. The motivation to combine comes from the expressed teaching in Nagasato to used closed loop color marking systems to determine the masking regions mentioned in Hasebe and Nagasato.

In regard to **Independent claims 29,** Hasebe teaches an image editing apparatus comprising:

- Means for performing a trimming process on image data in a trimming mode (See Hasebe column 10, lines 1-60). Hasebe teaches the means to perform a trimming mode on an image (See lines 45-50).

Hasebe does not expressly teach:

- Means for displaying a grid on an image to be subjected to the trimming process, when the trimming mode is set.

However, in the same problem solving area, Nagasato teaches the use of a marker area (grid) that is placed over the image area to perform a trimming process (See column 4, lines 35-50). Nagasato and Hasebe are analogous art because they both teach a process of using variable magnification ratios in the process of trimming an image or magnifying an image.

Hasbe in view of Nagasato does not suggest or teach were the user input of <u>a dragging of the image by a pointing device</u> is executed during the trimming process. Imaizumi teaches a process of trimming an image through the user of user input with a cursor. Imaizumi teaches the user places the image editor in a trimming mode and then performs the trimming process by placing a trimming frame over the image (See Figure 3 and column 5, lines 25-67 and column 6, lines 1-67 and figure 6). Imaizumi, Hasbe and Nagasato all teach a process of performing the image editing functions prior to printing an image on a printing device. Imaizumi, Hasbe, and

Nagasato also teach varying processes of adjusting the image to user preferences through the known graphical trimming and masking processes.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Hasebe and Nagasato in front of them to modify the system of Hasebe to include the grid that is applied to the image to control the trimming process and to give the user the ability to move the grid with a cursor as taught by Imaizumi. The motivation to combine Hasebe, Nagasato and Imaizumi comes from the expressed use mentioned in Nagasato of using closed loops to mark an area with color that is then converted to an image on the screen (See column 14, lines 50-67) and the teachings in Imaizumi that it is desirable to provide in the same interface an image displaying as well as an editing interface to eliminate the operations the user has to perform in other areas of the interface and to simplify the input for the user to perform the trimming function (See column 2, lines 24-46).

In regard to **Independent claims 31,** Hasebe teaches an program for causing a computer to execute an image editing method, comprising:

- A trimming module for performing a trimming process on image data in a trimming mode See Hasebe column 10, lines 1-60). Hasebe teaches the means to perform a trimming mode on an image (See lines 45-50).

Hasebe does not expressly teach:

- A processing module for displaying a grid on an image to be subjected to the trimming process, when the trimming mode is set.

However, in the same problem solving area, Nagasato teaches the use of a marker area (grid) that is placed over the image area to perform a trimming process (See column 4, lines 35-50). Nagasato and Hasebe are analogous art because they both teach a process of using variable magnification ratios in the process of trimming an image or magnifying an image.

Hasbe in view of Nagasato does not suggest or teach were the user input of <u>a dragging of the image by a pointing device</u> is executed during the trimming process. Imaizumi teaches a process of trimming an image through the user of user input with a cursor. Imaizumi teaches the

user places the image editor in a trimming mode and then performs the trimming process by placing a trimming frame over the image (See Figure 3 and column 5, lines 25-67 and column 6, lines 1-67 and figure 6). Imaizumi, Hasbe, and Nagasato all teach a process of performing the image editing functions prior to printing an image on a printing device. Imaizumi, Hasbe, and Nagasato also teach varying processes of adjusting the image to user preferences through the known graphical trimming and masking processes.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Hasebe and Nagasato in front of them to modify the system of Hasebe to include the grid that is applied to the image to control the trimming process and to give the user the ability to move the grid with a cursor as taught by Imaizumi. The motivation to combine Hasebe, Nagasato and Imaizumi comes from the expressed use mentioned in Nagasato of using closed loops to mark an area with color that is then converted to an image on the screen (See column 14, lines 50-67) and the teachings in Imaizumi that it is desirable to provide in the same interface an image displaying as well as an editing interface to eliminate the operations the user has to perform in other areas of the interface and to simplify the input for the user to perform the trimming function (See column 2, lines 24-46).

8.   **Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasebe in view of Nagasato, in further view of Imaizumi as applied to claims 14-16, 21-27, 29 and 31 above, and further in view of Hideyuki et al. (hereinafter Hideyuki) JP 2000-261644 published 22.09.2000.**

With respect to **dependent claim 17,** as indicated in the above discussion Hasebe in view of Nagasato in further view of Imaizumi teaches every element of claim 16.

Hasebe in view of Nagasato in further view of Imaizumi teach the displaying of a grid in an image editor (See Hasebe column 4, image editor and Nagasato figure 6a, grid and Imaizumi Figure 6)

Hasebe in view of Nagasato in further view of Imaizumi do not expressly teach an image

editing method wherein the grid-displaying step displays the grid, which divides the image based

on a golden section. However, Hideyuki teaches an image trimming application that uses a

golden section ratio as a basis for determining the proper image size after trimming (See Para

0017 and Figure 4). Hideyuki, Hasebe, Imaizumi, and Nagasato all teach processes for modifying

images and teach processes for the user to interact with the image to present the image in

accordance with a user preference.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of

the invention, having the teachings of Hasebe, Nagasato, Imaizumi and Hideyuki in front of them

to modify the system of Hasebe to include the grid that is applied to the image to control the

trimming process and to apply the golden ratio to the image as it is trimmed. The motivation to

combine Hasebe with Nagasato comes from the expressed use mentioned in Nagasato of using

closed loops to mark an area with color that is then converted to an image on the screen (See

column 14, lines 50-67). The motivation to combine Hideyuki with Hasebe, Nagasato, and

Imaizumi comes from the suggestion in Hideyuki to balance the process of trimming an image by

starting from a given location within the image (See Para 0002).

With respect to **dependent claims 18 - 20,** as indicated in the above discussion, Hasebe in view

of Nagasato in further view of Imaizumi and Hideyuki teach every limitation of claim 17.

Hasebe in view of Nagasato and in further view of Imaizumi teaches the *grid displaying*

step displays the grid which vertically and horizontally divides the image into equal parts and

displays the grid which vertically and horizontally divides the image into at least one of three, four,

and five equal part (Nagasato figure 6a, shows equal parts in a grid. Further, Nagasato teaches

that a variety of shapes used in the grid can be employed, which would include a grid with equal

sections or a grid with unequal sections (See column 9, lines 20-40).

Hasebe in view of Nagasato does not expressly teach the *grid which is obtained by*

drawing a diagonal line in a rectangular image and drawing perpendicular lines from remaining

vertexes of the image to the diagonal line. However, this limitation would have been obvious, in

view of Hideyuki, because Hideyuki teaches the process of using a horizontal line to calculate a

vanishing point that is used in the golden aspect ratio. The point on the line intersects with four

corners of the image and therefore provides a diagonal line with perpendicular lines at the

vertexes (See Para 0036).

**It is noted that any citation to specific, pages, columns, lines, or figures in the prior art
references and any interpretation of the references should not be considered to be limiting
in any way. A reference is relevant for all it contains and may be relied upon for all that it
would have reasonably suggested to one having ordinary skill in the art. In re *Heck*, 699
F.2d 1331, 1332-33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re *Lemelson*, 397 F.2d
1006,1009, 158 USPQ 275, 277 (CCPA 1968)).**

9.   Applicant's arguments with respect to claims 14--27, 29, and 31 have been considered but are

moot in view of the new ground(s) of rejection.

Applicant's arguments filed 07/02/2007, with respect to claims 1-13, 29, and 31 have been fully

considered, but they are not persuasive.

Applicant's argument that Hasbe is silent to give instruction to move an arbitrary point of an

image

Applicant argues that Hasbe is silent as to providing instruction on moving an arbitrary point of

the displayed image because the applicant interprets the magnification of an image as not

including a process to move a point within the image (See arguments page 14, top).

The Examiner disagrees.

As shown in the above rejection, the Examiner refers to figures 10 and 11 to show how Hasbe

displays an image movement based on the movement and magnification of an arbitrary point

within the image data. It is notes the claims are interpreted with the broadest reasonable

interpretation, as stated in MPEP 2111.01 and the limitations of the specification must not be

imported into the claims and the claims are read in the plain meaning of the terms as known to

one of ordinary skill in the art. The Examiner interprets the teaching of Hasbe as showing the

movement of an arbitrary point within the image data as recited in the claims. A reasonable

interpretation of an arbitrary point can be any specific location on the screen, which can be a

pixel, or an area comprising several pixels, or even a layered item in the display where a pixel

depending on its translucent properties can display different items at different times. For example,

the system in figure 11 shows how the user selects (instructs) how to highlight several arbitrary

points within the circle shown with shaded lines around the "TH" and then the system calculates

the effect and displays the effect, where the "TH" is smaller. Within the TH, there can reasonably

be several hundred pixels, all of which represent arbitrary points in the image data. Second, the

system reduces the image size, which is a form of reducing the magnification of the image. In the

process, the letter T and H are no longer in the same location on the screen and the T and H

move in terms of X, Y, coordinates within the display. In other words, in the before picture the "T"

had several pixels that represent the "T" and lets say the Examiner picks one of them at x=100

and Y = 100. After the change the image has moved and the same pixel is now located at x=150

and y=150. Notice the screen size did not change but the image did and therefore the Examiner

interprets the magnification as including a movement of the arbitrary point and a magnification

ratio.

Applicant' s argument that Hasbe does not teach framing of an image subject to trimming
Applicant argues that Hasbe does not teach framing the image that is subject to trimming

because they do not interpret the loops of Hasbe as a framing of the image (See argument page

15, top).

The Examiner disagrees.

Hasbe specifically discloses that the loops are used to enclose the region that is subject to being

processed (trimmed, magnified, etc) as the loop can structurally be considered as a framing of

the image. Further, the loops outline a region that surrounds the center region that is subject to

change when the image is to be magnified (See figure 10). Between not only the inner loop and

the outer loop there presents at least two ways that are shown in the drawing of framing an image. It is noted that Hasbe teaches that several loops can be used and therefore present more items that can frame in the image. The claims merely recite the process of displaying on an image a mark that suggests appropriate framing of an image. The claims do not specify that the mark is a specific graphical element or that the frame is a specific frame. The skilled artisan would interpret a mark on a graphical interface as a graphical object that is used to indicate a function or an item of interest to the user. The frame on a graphical interface is considered to one of ordinary skill in the art as a box, an outline, or mechanism for enclosing an object. Therefore, based on the claims and the MPEP's guidance of claim interpretation a broad reasonable interpretation has been made of the claims without "reading in" terminology from the specification into the claims.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,053,886 to Nakajima issued Oct. 1,1991 and discloses a process to magnify an

image based on a ratio and magnifying an image as it is moved or positioned on the screen.

U.S. Patent No. 5,517,209 to Holland issued May 14, 1996 and discloses a process of trimming

an image and re-sizing an image based on a coordinate grid.

Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner

can normally be reached on M, W, F 10:00AM - 8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where

this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be

obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system,

see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven B Theriault/
Patent Examiner
Art Unit 2179

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SUPERVISORY PATENT EXAMINER